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REMARKS

Applicants acknowledge the Examiner's review of the specification, claims, and drawings. In light of the above amendments and following remarks, Applicants respectfully request reconsideration of the present application. The amendments and remarks presented herein are fully supported by the application as originally filed. No new matter has been entered.

STATUS OF THE CLAIMS:

Claims 1-9 and 12-52 are pending in the application. Claim 11 has been cancelled herein. Claim 10 has been previously cancelled.

CLAIM OBJECTIONS:

The Examiner objects to Claim 11 as being improper to depend from cancelled Claim 10. Further the Examiner objects to the claims as failing to further limit the subject matter of a previous claim. Accordingly, Applicants have cancelled Claim 11.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112:

The Examiner rejects Claims 1-11 under 37 U.S.C. §112, second paragraph, as being indefinite.

Applicants respectfully note that Claim 10 has been cancelled. With respect to Claim 11, Claim 11 has also been cancelled. With regard to Claim 1, Claim 1 has been amended in a manner, which is believed now to clarify the claim language. Accordingly, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 112, second paragraph, rejection.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102:

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The Examiner rejects Claims 1-52 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,509,538 to Spindler.

Applicants respectfully traverse. In order to establish anticipation of the claim, each and every limitation of the claim must be found in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Moreover, "the identical invention must be shown in as complete detail as is contained in the claim." *Richardson v. Susaki Motor Co.*, 868 F.2d 1226 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

With reference to Claim 1, the Examiner states that Spindler discloses arranging products in a first row, aligning a first group of totes at a first picking location, locating an indicator and indicating products to be picked for the tote, indicating a tote, picking and placing the indicated products, and indexing the totes in a direction parallel to the row of picking locations. However, the Examiner has ignored specific limitations of the claim. For example, Claim 1 calls for an indicator located at each picking location. The Examiner is totally silent with respect to this limitation and, moreover, has ignored this limitation. In contrast to the claimed invention, Spindler discloses and teaches mounting a display on each of the tugs (24). Therefore, Spindler et al. does not disclose locating an indicator at each of the picking locations as called for in the claims. Therefore, Spindler et al. does not anticipate Claims 1-9. Therefore, Applicants respectfully submit that the Examiner has failed to establish anticipation of the claim.

With regard to Claim 12, Claim 12 has been amended to call for:

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12. (currently amended) A method of picking products in a pick-to-light system, said method comprising:

providing products in a first row of picking bays, each of the picking bays having an induct side and a discharge side and defining a picking location;

providing products in a second row of picking bays spaced from and parallel to the first row of picking bays, each of the picking bays of the second row having an induct side and a discharge side defining a picking location;

forming an aisle between the picking locations of the first row and the picking locations of the second row ~~discharge sides of the first and second rows of picking bays~~;

providing access across the aisle to an operator wherein the operator may move between the discharge sides of the first and second rows of picking bays;

aligning a first group of totes with the discharge side of an upstream picking bay in the first row;

aligning a second group of totes with the discharge side of an upstream picking bay in the second row;

indicating a product or products in the upstream picking bay of the first row to be picked by the operator for a tote in the first group of totes;

indicating a product or products in the upstream picking bay of the second row to be picked by the operator for a tote in the second group of totes; and

indexing a respective group of totes of said first and second groups of totes to a downstream picking bay in its respective row when the indicated product or products have been picked and placed by the operator in a direction parallel to the first and second rows of picking bays wherein the operator may continue to pick at another picking bay.

Applicants respectfully urge that Spindler et al. does not disclose or suggest providing products in first and second rows of picking bays, with each bay having an induct side and a discharge side and forming a picking location and further an isle between the picking locations of the first and second rows and access across the isle to an operator wherein the operator may move between the picking locations of the first and second rows. In stark contrast,

Spindler discloses a plurality of flow racks that are arranged such that their discharge ends or picking locations are located adjacent a track. The only aisle provided is between two adjacent flow racks. Further, because the track is located at the end of the flow racks the operated has limited access to only two picking locations, which is in stark contrast to the present invention where an operator can pick from any one of a plurality of picking locations in each row. Therefore, Applicants respectfully submit that Claims 12-23 are patentable over Spindler alone or in combination with any other reference of record.

With reference to Claim 24, Claim 24 has been amended as follows:

24. (currently amended) A pick-to-light system comprising:
means for supporting products in first and second parallel, spaced apart rows and for grouping the products in a plurality of picking locations in each of the rows and for generally aligning the picking locations along an axis;
means for aligning a first group of totes adjacent a first picking location in said first row;
means for aligning a second group of totes adjacent a first picking location in said second row;
means for identifying each tote within said groups of totes;
means for indicating which products are to be picked for and placed in a given tote of the groups of totes at said first picking locations;
means for indexing said second group of totes from said first picking location in said second row in a direction parallel to said first and second rows;
means for indexing said first group of totes from said first picking location in said first row in a direction parallel to said first and second rows and said axis; and
a control system for actuating a respective means of said means for indexing when the products for a respective first picking location are picked.

Applicants respectfully urge that Spindler et al. does not disclose or suggest the claimed combination. For example, Spindler et al. does not disclose or suggest means for indexing a first group of totes from a first picking location in a first row in a direction parallel to the first and second rows of picking locations, which are generally aligned along an axis, and parallel to the axis. If the Examiner equates each flow rack to a row—then the Spindle totes are not indexed in a direction parallel to the rows. If the Examiner equates each end of the flow rack as a picking location and the ends of the flow racks collectively form a row, then Spindler does discloser or suggest two parallel spaced apart rows. Therefore, Applicants respectfully submit that Claims 24-29 are patentable over Spindler alone or in combination with any other reference of record.

With reference to Claim 30, Claim 30 has been amended to call for:

> 30. (currently amended) A pick-to-light system comprising:
>
> a plurality of racks supporting groups of products in first and second parallel rows of adjacent picking locations, with each row having a plurality of said picking locations;
>
> a plurality of totes;
>
> a first conveyor for supporting a first group of said totes adjacent a first picking location of said first row;
>
> a second conveyor for supporting a second group of said totes adjacent a first picking location of said second row; and
>
> a control system for identifying selected products to be picked for a given tote and detecting when the selected products are picked for the given tote, and said control system actuating said first conveyor to index said first groups of totes to another picking location in said first row in a direction parallel to said first and second rows when the selected products of the first picking location in said first row have been picked and placed in each given tote of

said first groups of totes and actuating said second conveyor to index said second groups of totes to another picking location in said second row in a direction parallel to said first and second rows when the selected products of the first picking location in the second row have been picked and placed in each of the given totes of said second group of totes.

Applicants respectfully urge that Spindler et al. does not disclose or suggest the claimed combination. For example, Spindler et al. does not disclose or suggest a plurality of racks supporting groups of products in first and second parallel rows of adjacent picking locations, with each row having a plurality of the picking locations in combination with a control system for identifying selected products to be picked for a given tote and detecting when the selected products are picked for the given tote, and the control system actuating a first conveyor to index a first groups of totes to another picking location in the first row in a direction parallel to the first and second rows when the selected products of the first picking location in the first row have been picked and placed in each given tote of the first groups of totes and actuating the second conveyor to index the second groups of totes to another picking location in the second row in a direction parallel to the first and second rows when the selected products of the first picking location in the second row have been picked and placed in each of the given totes of the second group of totes.

Again, if the Examiner equates each flow rack to a row—then the Spindle totes are not indexed in a direction parallel to the rows. If the Examiner equates each end of the low rack as a picking location and the ends of the flow racks collectively form a row, then Spindler does discloser or suggest two parallel spaced apart rows of picking locations. Therefore,

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Applicants respectfully submit that Claims 30-40 are patentable over Spindler alone or in combination with any other reference of record.

Claim 41 has been amended to call for:

41. (currently amended) A method of picking products in a pick-to-light system, said method comprising:

providing products in a first row of picking bays, each of the picking bays having an induct side and a discharge side and providing a picking location;

providing products in a second row of picking bays spaced from and parallel to the first row of picking bays, each of the picking bays of the second row having an induct side and a discharge side and providing a picking location;

forming an aisle between the picking locations and discharge sides of the first and second rows of picking bays, the aisle extending in a direction parallel to the first and second rows of picking bays;

providing access across the aisle to an operator wherein the operator may move between the picking locations and discharge sides of the first and second rows of picking bays;

aligning a first tote with the discharge side of a first picking bay in the first row;

aligning a second tote with the discharge side of a first picking bay in the second row;

indicating a product or products in the first picking bay of the first row to be picked by the operator for the first tote;

indicating a product or products in the first picking bay of the second row to be picked by the operator for the second tote; and

indexing a respective tote of the first and second totes to a second picking bay in a respective row of the first and second rows in a direction parallel to the first and second rows when the indicated product or products have been picked and placed in the respective tote by the operator wherein the operator may continue to pick at another picking bay.

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Applicants respectfully urge that Spindler et al. does not disclose or suggest the claimed combination. For example, Spindler et al. does not disclose or suggest providing products in a first row of picking bays, with each of the picking bays having an induct side and a discharge side and providing a picking location, and providing products in a second row of picking bays spaced from and parallel to the first row of picking bays, with each of the picking bays of the second row having an induct side and a discharge side and providing a picking location, in combination with forming an aisle between the picking locations and discharge sides of the first and second rows of picking bays, which extends in a direction parallel to the first and second rows of picking bays.

As noted above Spindler discloses a wholly different system—the operators are relegated to pick between two flow racks—they can not efficiently pick from all the flow racks. Again, if the Examiner equates each flow rack to a row—then the Spindle system does not index a tote in a respective row of the first and second rows in a direction parallel to the first and second rows. If the Examiner equates each end of the low rack as a picking location and the ends of the flow racks collectively form a row, then Spindler does discloser or suggest two parallel spaced apart rows of picking locations with an aisle extending in a direction parallel to the rows. Therefore, Applicants respectfully submit that Claims 41-52 are patentable over Spindler alone or in combination with any other reference of record.

In light of the above amendments and remarks, Applicants respectfully submit that the application is now in condition for allowance and solicits a Notice to that effect.

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Should the Examiner have any questions or suggestions, he is invited to contact the undersigned at (616) 975-5506 or at collins@vglb.com.

Respectfully submitted,

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